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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,254	02/22/2002	Bernard F. Garceau	6523-54	9827

21324 7590 10/04/2003

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EXAMINER

GREEN, CHRISTY MARIE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,254

Applicant(s)

GARCEAU ET AL.

Examiner

Christy M Green

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

This is a first office action for serial number 10/081254, entitled Reinforcing Bracket for a Trailer Frame, filed on February 22, 2002.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "52" in figures 4 and 5. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the longitudinal members in claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6 and 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris, US patent # 4,032,242.

Morris discloses the claimed invention a reinforcing bracket (10) comprising a first side (21), a second side (22), a third side (35) wherein the first side and the second side each include a plurality of dimples (see attached figures 5 and 6), each dimple having at least one aperture (24, 25) therein, and the third side included at least one aperture ("36" – column 3, lines 53-56); the first and second sides have two dimples (figures 3 and 6); the two dimples are substantially vertically stacked (figures 3 and 6); the dimples in the first and second sides are substantially vertically stacked (figures 3 and 6); the third side (35) is substantially bilaminar (figures 2 and 3); and, the angle between the first and second side is not 90 degrees, is greater than 90 degrees and is less than 90 degrees (column 4, lines 46-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris.

Morris discloses the claimed invention as stated above in claim 1, except for the bracket is adapted to fasten to the trailer frame at an angled junction of an A-frame and

a cross-member. It is obvious that the corner joint brace of Morris can be used for the same function within a junction of an A-frame and a cross-member, although it is not intended to be used within a trailer frame, also, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense and is therefore not given much patentable weight.

Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiss, UK Patent # 2,044,193 in view Morris.

Hiss discloses the claimed invention including a bolt-together trailer frame (figure 1 – pg. 1, column 1, lines 15-19) comprising at least two longitudinal members (1 and 2), at least two cross members (6a, 3) attached to the longitudinal members (1,2 – by 7a and 8a) by bolts (page 1, column 2, lines 112-113 and lines 123-126), two a-frame members (where 5 points to) wherein angles formed between the a-frame members and a cross member are not ninety degrees (see attached figure 1); and, at least one of the a-frame member and the cross member have a flange extending therefrom (see attached figure 1).

Hiss also discloses a bracket fastening an A-frame member to a cross member (see attached figure 1) but does not disclose that the bracket comprises first side, a second side, a third side wherein the first side and the second side each include a plurality of dimples, each dimple having at least one aperture therein, and the third side included at least one aperture, the first and second sides have two dimples, the third side is substantially bilaminar and, the angle between the first and second side is not 90

degrées, is greater than 90 degrees and is less than 90 degrees. Morris teaches that it is known in the art to provide a bracket comprising a first side, a second side, a third side wherein the first side and the second side each include a plurality of dimples, each dimple having at least one aperture therein, and the third side included at least one aperture, the first and second sides have two dimples, the third side is substantially bilaminar and, the angle between the first and second side is not 90 degrees, is greater than 90 degrees and is less than 90 degrees as shown above. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bracket of Morris with the trailer frame of Hiss in order to fasten the a-frame members and the cross members and at an angle not ninety degrees and to provide an improved construction of a corner joint brace to deter separation of the members of the braced corner joint (column 1, lines 47-51).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


cg

September 26, 2003



Carl D. Friedman
Supervisory Patent Examiner
Group 3600